

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, April 27, 2009 at 7:00 p.m.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia. L. Worden, Deputy City Clerk.
CONSENT AGENDA	Belt and Branigan moved and seconded the approval of the consent agenda. Unanimous.
PROCLAMATIONS	<p>Mayor Hanafan read and presented a Proclamation to Beth Lindquist, Union Pacific Railroad Museum Director for "<i>National Preservation Month</i>" and to Mark Norman, Vice President of Economic Development of the Chamber of Commerce regarding "<i>Existing Industry Appreciation Week</i>".</p> <p>Mayor Hanafan welcomed the Boy Scouts to City Hall and thanked them for attending the City Council meeting.</p>
PUBLIC HEARINGS Ordinance 6030 Ordinance 6031 Ordinance 6032	Held Public Hearing regarding Ordinance 6030, amending Chapter 15.03 "Definitions" by adding a new Section 15.03.685 "Wind Energy Conversion System (WECS); Ordinance 6031, amending Chapters 15.05, 15.08A, 15.09, 15.10, 15.20, 15.21 and 15.22 to include Wind Energy Conversion System (WECS) as a conditional use; Ordinance 6032, amending Chapter 15.24 "Supplemental Use and Site Development Regulations" by adding a new Section 15.24.085, "Wind Energy Conversion System (WECS) regulations and minimum standards". Branigan and Bates moved and seconded postponement of Ordinances 6030, 6031 and 6032 until May 11, 2009 at 7:00 p.m. Unanimous.
Resolution 09-107	Held Public Hearing regarding Resolution 09-107, approving the Plans, Specifications, Form of Contract and Cost Estimate for the East Manawa Storm Sewer- Phase I, FY09-05E. Belt and Bates moved and seconded approval of Resolution 09-107. Unanimous.
Resolution 09-108	Held Public Hearing regarding Resolution 09-108, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 2 nd Avenue Pump Station/Trunk Sewer, FY10-09. Bates and Walsh moved and seconded approval of Resolution 09-108. Unanimous.
Resolution 09-109	Held Public Hearing regarding Resolution 09-109, approving the Plans, Specifications and Form of Contract for the Big Lake Park Phase I and II Improvements Project and authorizing the City Clerk to advertise for bids. Branigan and Bates moved and seconded approval of Resolution 09-109. Unanimous.
Resolution 09-110	Held Public Hearing regarding Resolution 09-110, authorizing disposal of City property legally described as Lot 6, Bayliss and Palmer Addition and the west 33 feet of vacated North 18 th Street. Belt and Bates moved and seconded approval of Resolution 09-110. Unanimous.
ORDINANCES ON FIRST READING Ordinance 6034	Branigan and Walsh moved and seconded approval of Ordinance 6034, to amend Chapter 8.44 "Property Damage" by repealing Section 8.44.044 "Public Parks – Prohibited Acts" and enacting a new Section 8.44.044 "Public Parks – Prohibited Acts", to prohibit the sale of merchandise or services within City parks and on City recreation trails without prior written authorization. Unanimous.
ORDINANCE ON SECOND READING Ordinance 6033	Belt and Branigan moved and seconded approval of Ordinance 6033, amending Chapter 1.68 "Council Bluffs Airport Authority" by repealing Section 1.68.020 "Board" and enacting a new Section 1.68.020 "Board", to reduce the membership of the board from nine to seven. Unanimous. Belt moved to waive 3 rd reading, second by Bates, Ordinance 6033 passes into law. Unanimous.

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RESOLUTIONS	
Resolution 09-111	Belt and Bates moved and seconded approval of Resolution 09-111, directing the advertisement for sale of \$7,165,000 General Obligation Bonds, Series 2009B and approving electronic bidding procedures. Unanimous.
Resolution 09-113	Belt and Walsh moved and seconded approval of Resolution 09-113, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Andrews Lounge, Inc., 1210 North 25 th Street, for a violation of Iowa Code Section 453A.2(1). Unanimous.
Resolution 09-114	Belt and Walsh moved and seconded approval of Resolution 09-114, authorizing the Mayor and City Clerk to execute an agreement with the IDOT for Federal Highway Stimulus Funds Agreement #ESL-1642(658)--7S-78 in connection with the So. 35 th Street Restoration Project, FY10-16. Unanimous.
Resolution 09-115	Walsh and Belt moved and seconded approval of Resolution 09-115, authorizing the Mayor to adopt the Council Bluffs Pre-Disaster Mitigation Plan, MIS-09-001. Unanimous.
Resolution 09-116	Belt and Branigan moved and seconded approval of Resolution 09-116, authorizing the Mayor and City Clerk to execute an agreement with Fox Engineering for engineering services in connection with the Wastewater Treatment Plant Digester Complex Upgrade Project, FY10-18. Unanimous.
Resolution 09-117	Belt and Walsh moved and seconded approval of Resolution 09-117, authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction for the Broadway Streetscape – Phase II, also called (Downtown Streetscape – Phase VIII – Broadway) Project, FY10-11A. Unanimous. Council Member Schultz requested staff to review project progress to insure project deadlines.
Resolution 09-118	Belt and Walsh moved and seconded approval of Resolution 09-118, granting preliminary plan approval for a ten-lot residential subdivision to be known as 23 rd Garden Place. Unanimous.
Resolution 09-112	Bates and Walsh moved and seconded approval of Resolution 09-112, authorizing Issuance of Notice to Redeem General Obligation Bonds in the amount of \$5,680,000 on July 1, 2009. Unanimous.
Resolution 09-122	Branigan and Belt moved and seconded approval of Resolution 09-122, authorizing the Mayor to adopt the Economic Development Strategic Plan. Unanimous.
Resolution 09-123	Branigan and Bates moved and seconded approval of Resolution 09-123, authorizing the Mayor to execute the First Addendum to the Service Agreement between the City of Council Bluffs, Iowa and the Council Bluffs Area Chamber of Commerce d/b/a/ Pottawattamie County Growth Alliance. Point of Order by Belt calling for Roll Call. VOICE VOTE: 3 Aye; Abstain: Belt, Walsh.
Resolution 09-124	Bates and Branigan moved and seconded approval of Resolution 09-124, appointing Marcia Worden as Acting City Clerk. Motion by Schultz, second by Branigan, amending Resolution 09-124, to re-visit appointment of City Clerk on August 10, 2009 at 7:00 p.m. Unanimous. Original motion as amended. Unanimous.
Resolution 09-127	Belt and Walsh moved and seconded approval of Resolution 09-127, authorizing the Mayor and City Clerk to execute an agreement with R.D. Blue Construction for the So. 32 nd Street Sanitary Sewer Improvements, FY10-05D. Unanimous.
Resolution 09-106	Schultz and Walsh moved and seconded approval of Resolution 09-106, approving the 28E Agreement with Pottawattamie County for 911 services. Unanimous. Council Member Belt requested involvement with future contract negotiations.

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Resolution 09-128

Belt and Bates moved and seconded approval of Resolution 09-128, supporting a grant application by Iowa Interstate Railroad, Ltd., for American Recovery and Reinvestment Act Funding and authorizing the Mayor and his staff to assist with the preparation and processing of the application. Unanimous.

RECEIVE & FILE ITEMS

Walsh and Bates moved and seconded approval of Receive and File Items 9A thru 9H: 9A. IDOT – Letter of Information; 9B. Two (2) Notices of Claim; 9C. One (1) Notice of Right of Redemption; 9D. List of Bills, March 31, 2009; 9E. Cash Balance Statement, March 31, 2009; 9F. One Offer to Buy, Debra Daniels; 9G. 2008 City Planning Commission Annual Report; 9H. 2008 Zoning Board of Adjustment Annual Report. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Bates moved and seconded approval of Liquor License Permit Applications regarding 10A. 1-4 and 6-11. Unanimous. Walsh and Bates moved and seconded approval of 10A-5. Hooter's, for "Outdoor Service" (May – Sept.) following the restriction guidelines. Unanimous. Motion by Branigan second by Bates to approve the "Special Event" Liquor Permit for La Mesa Mexican Restaurant from Noon to 4:00 p.m. on May 3, 2009. Unanimous. Motion by Walsh second by Bates to approved the Special Event Permit Applications for 1) Celebrate CB!, Parade on May 16, 2009 and 2) Blues Amusements Carnival, May 14 – 16, 2009. VOICE VOTE: 4 Aye; Abstain: Branigan.

Heard from Dan Alexander, 740 Valley View Drive, Apt. #8, regarding enforcement of the "Fire Code". Council Member Walsh indicated the City adopts the International Fire Code by which the City adheres to. City Attorney Wade added this portion of the code had been in force for three to five years; Mayor Hanafan would review the matter.

Council Member Branigan noted this year is the 30th Anniversary of the Celebrate CB! Parade and includes a multitude of activities. Help break the Guinness Book of World Records, 600 people are needed to do the Hokey Pokey simultaneously on Saturday, May 16, 2009 at 10:15 a.m.

ADJOURNMENT

Branigan and Bates moved and seconded adjournment at 7:33 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk